IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.18 OF 2005

Rajesh Nanalal Shrivastav .. Applicant

Versus

The State of Maharashtra .. Respondents

Mr.P.M.Chakurkar for applicant

Mr.A.S.Gadkari, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI,J.

Vacation Judge.

DATE : JANUARY 6, 2005.

P.C.

. It appears that Additional Sessions Judge, who was assigned the anticipatory bail

application preferred by the applicant, has disposed of the same on the ground that applicant's Advocate did not remain present on 28th December 2004. Having perused that order, it is clear to me that the Additional Sessions Judge had granted interim protection and anticipatory bail application was to be heard thereafter on merits. However, the same has been disposed of in the absence of the Advocate appearing for applicant. It appears that the Advocate concerned also had given an application requesting adjournment on the ground of his illness.

2. In my view, interest of justice would be served if the concerned Additional Sessions Judge, Thane is directed to hear the anticipatory bail application preferred by the applicant bearing No.1373 of 2004 on merits and in accordance with law. Till the Additional Sessions Judge disposes of the anticipatory bail

application, interim protection granted to applicant to continue, meaning thereby, that respondent shall not arrest applicant till disposal of the anticipatory bail application preferred by applicant. Applicant is directed to appear before Additional Sessions Judge on Monday, 10th January 2005. The Additional Sessions Judge concerned to thereafter proceed to decide the anticipatory bail application in accordance with law. All concerned to act on an authenticated copy of this order.

*****